

RFM
8/25/08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

Nahum CARRUSO-Islas,

Defendant

Magistrate Docket 08.AUG 25 AM 9:55

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

COMPLAINT FOR VIOLATION OF:

BY:

CJE
DEPUTY

Title 8, U.S.C., Section 1326

Deported Alien Found in the

United States

08 MJ 2/01/2

CJE

The undersigned complainant, being duly sworn, states:

On or about **August 21, 2008** within the Southern District of California, defendant, **Nahum CARRUSO-Islas**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Ismael A. Canto

SIGNATURE OF COMPLAINANT

Ismael A. Canto

Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 25th DAY OF AUGUST, 2008.

William McCurine, Jr.

William McCurine, Jr.

UNITED STATES MAGISTRATE JUDGE

DOA 8/21/08 CJE

RPM
8/25/08

CONTINUATION OF COMPLAINT:
Nahum CARRUSO-Islas

PROBABLE CAUSE STATEMENT


I declare under the penalty of perjury that the following statement is true and correct:

On Thursday, August 21, 2008, at approximately 10:20 a.m., Border Patrol Agent T. Tucciarone was conducting line watch duties near Potrero, California. This area is approximately five miles east of the Tecate, California Port of Entry and approximately a half mile north of the United States/Mexico International Boundary. Agent Tucciarone observed an individual walking westbound on State Route 94 and after illegally crossing the United States/Mexico International Boundary. Agent Tucciarone identified himself as a United States Border Patrol Agent and questioned the individual to see if he needed any assistance. Agent Tucciarone then questioned the individual regarding his citizenship and nationality. The individual, later identified as the defendant **Nahum CARUSSO-Islas**, freely admitted that he was a citizen and national of Mexico. Agent Tucciarone then questioned the individual regarding any immigration documents he might have allowing him to enter into or remain in the United States legally. CARUSSO admitted that he does not have any immigration documents allowing him to be in or enter the United States legally. At approximately 10:20 A.M., Agent Tucciarone placed the individual under arrest and the individual was transported to the Forest Gate Processing Center.

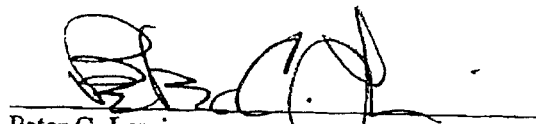
Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on February 19, 1994 through Calexico, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights and he was willing to make a statement without an attorney present. At approximately 1:20 p.m., CARUSSO stated that he is a citizen and national of Mexico. CARUSSO further stated that he does not have any immigration documents allowing him to enter or remain in the United States legally. CARUSSO admitted that he crossed into the United States illegally. CARUSSO further admitted that the criminal record is his and that he is illegally in the United States.

Executed on August 23, 2008 at 9:00 am..


 Lisa M. Struve
 Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 2 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on August 21, 2008, in violation of Title 8, United States Code, Section 1326.


 Peter C. Lewis
 United States Magistrate Judge

8/23/08 @ 10:30 a.m.
 Date/Time